

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Sexually Violent Persons Commitment Act is
5 amended by changing Sections 25 and 30 as follows:

6 (725 ILCS 207/25)

7 Sec. 25. Rights of persons subject to petition.

8 (a) Any person who is the subject of a petition filed under
9 Section 15 of this Act shall be served with a copy of the
10 petition in accordance with the Civil Practice Law.

11 (b) The circuit court in which a petition under Section 15
12 of this Act is filed shall conduct all hearings under this Act.
13 The court shall give the person who is the subject of the
14 petition reasonable notice of the time and place of each such
15 hearing. The court may designate additional persons to receive
16 these notices.

17 (c) Except as provided in paragraph (b)(1) of Section 65
18 and Section 70 of this Act, at any hearing conducted under this
19 Act, the person who is the subject of the petition has the
20 right ~~to~~:

21 (1) To be present and to be represented by counsel. If
22 the person is indigent, the court shall appoint counsel.

23 (2) To remain silent.

24 (3) To present and cross-examine witnesses.

25 (4) To have the hearing recorded by a court reporter.

26 (d) The person who is the subject of the petition, the
27 person's attorney, the Attorney General or the State's Attorney
28 may request that a trial under Section 35 of this Act be to a
29 jury. A verdict of a jury under this Act is not valid unless it
30 is unanimous.

31 (e) Whenever the person who is the subject of the petition
32 is required to submit to an examination under this Act, he or

1 she may retain experts or professional persons to perform an
2 examination. ~~The respondent's chosen evaluator must be~~
3 ~~approved by the Sex Offender Management Board and the~~
4 ~~evaluation must be conducted in conformance with the standards~~
5 ~~developed under the Sex Offender Management Board Act.~~ If the
6 person retains a qualified expert or professional person of his
7 or her own choice to conduct an examination, the examiner shall
8 have reasonable access to the person for the purpose of the
9 examination, as well as to the person's past and present
10 treatment records and patient health care records. If the
11 person is indigent, the court shall, upon the person's request,
12 appoint a qualified and available expert or professional person
13 to perform an examination. Upon the order of the circuit court,
14 the county shall pay, as part of the costs of the action, the
15 costs of a court-appointed expert or professional person to
16 perform an examination and participate in the trial on behalf
17 of an indigent person.

18 (Source: P.A. 93-616, eff. 1-1-04; revised 1-10-04.)

19 (725 ILCS 207/30)

20 Sec. 30. Detention; probable cause hearing; transfer for
21 examination.

22 (a) Upon the filing of a petition under Section 15 of this
23 Act, the court shall review the petition to determine whether
24 to issue an order for detention of the person who is the
25 subject of the petition. The person shall be detained only if
26 there is cause to believe that the person is eligible for
27 commitment under subsection (f) of Section 35 of this Act. A
28 person detained under this Section shall be held in a facility
29 approved by the Department. If the person is serving a sentence
30 of imprisonment, is in a Department of Corrections correctional
31 facility or juvenile correctional facility or is committed to
32 institutional care, and the court orders detention under this
33 Section, the court shall order that the person be transferred
34 to a detention facility approved by the Department. A detention
35 order under this Section remains in effect until the person is

1 discharged after a trial under Section 35 of this Act or until
2 the effective date of a commitment order under Section 40 of
3 this Act, whichever is applicable.

4 (b) Whenever a petition is filed under Section 15 of this
5 Act, the court shall hold a hearing to determine whether there
6 is probable cause to believe that the person named in the
7 petition is a sexually violent person. If the person named in
8 the petition is in custody, the court shall hold the probable
9 cause hearing within 72 hours after the petition is filed,
10 excluding Saturdays, Sundays and legal holidays. The court may
11 grant a continuance of the probable cause hearing for no more
12 than 7 additional days upon the motion of the respondent, for
13 good cause. If the person named in the petition has been
14 released, is on parole, is on mandatory supervised release, or
15 otherwise is not in custody, the court shall hold the probable
16 cause hearing within a reasonable time after the filing of the
17 petition. At the probable cause hearing, the court shall admit
18 and consider all relevant hearsay evidence.

19 (c) If the court determines after a hearing that there is
20 probable cause to believe that the person named in the petition
21 is a sexually violent person, the court shall order that the
22 person be taken into custody if he or she is not in custody and
23 shall order the person to be transferred within a reasonable
24 time to an appropriate facility for an evaluation as to whether
25 the person is a sexually violent person. If the person who is
26 named in the petition refuses to speak to, communicate with, or
27 otherwise fails to cooperate with the examining evaluator from
28 the Department of Human Services or the Department of
29 Corrections, that person may only introduce evidence and
30 testimony from any expert or professional person who is
31 retained or court-appointed to conduct an examination of the
32 person that results from a review of the records and may not
33 introduce evidence resulting from an examination of the person.
34 ~~Any evaluation conducted under this Section shall be by an~~
35 ~~evaluator approved by the Sex Offender Management Board and~~
36 ~~conducted in conformance with the standards developed under the~~

1 ~~Sex Offender Management Board Act.~~ Notwithstanding the
2 provisions of Section 10 of the Mental Health and Developmental
3 Disabilities Confidentiality Act, all evaluations conducted
4 pursuant to this Act and all Illinois Department of Corrections
5 treatment records shall be admissible at all proceedings held
6 pursuant to this Act, including the probable cause hearing and
7 the trial.

8 If the court determines that probable cause does not exist
9 to believe that the person is a sexually violent person, the
10 court shall dismiss the petition.

11 (d) The Department shall promulgate rules that provide the
12 qualifications for persons conducting evaluations under
13 subsection (c) of this Section.

14 (e) If the person named in the petition claims or appears
15 to be indigent, the court shall, prior to the probable cause
16 hearing under subsection (b) of this Section, appoint counsel.

17 (Source: P.A. 92-415, eff. 8-17-01; 93-616, eff. 1-1-04.)

18 Section 10. The Unified Code of Corrections is amended by
19 changing Sections 5-3-1, 5-3-2, 5-3-4, 5-4-3.1, 5-6-3, and
20 5-6-3.1 as follows:

21 (730 ILCS 5/5-3-1) (from Ch. 38, par. 1005-3-1)

22 Sec. 5-3-1. Presentence Investigation. A defendant shall
23 not be sentenced for a felony before a written presentence
24 report of investigation is presented to and considered by the
25 court.

26 However, other than for felony sex offenders being
27 considered for probation ~~in cases other than felony sex~~
28 ~~offenses as defined in the Sex Offender Management Board Act,~~
29 the court need not order a presentence report of investigation
30 where both parties agree to the imposition of a specific
31 sentence, provided there is a finding made for the record as to
32 the defendant's history of delinquency or criminality,
33 including any previous sentence to a term of probation,
34 periodic imprisonment, conditional discharge, or imprisonment.

1 The court may order a presentence investigation of any
2 defendant.

3 (Source: P.A. 93-616, eff. 1-1-04.)

4 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

5 Sec. 5-3-2. Presentence Report.

6 (a) In felony cases, the presentence report shall set
7 forth:

8 (1) the defendant's history of delinquency or
9 criminality, physical and mental history and condition,
10 family situation and background, economic status,
11 education, occupation and personal habits;

12 (2) information about special resources within the
13 community which might be available to assist the
14 defendant's rehabilitation, including treatment centers,
15 residential facilities, vocational training services,
16 correctional manpower programs, employment opportunities,
17 special educational programs, alcohol and drug abuse
18 programming, psychiatric and marriage counseling, and
19 other programs and facilities which could aid the
20 defendant's successful reintegration into society;

21 (3) the effect the offense committed has had upon the
22 victim or victims thereof, and any compensatory benefit
23 that various sentencing alternatives would confer on such
24 victim or victims;

25 (4) information concerning the defendant's status
26 since arrest, including his record if released on his own
27 recognizance, or the defendant's achievement record if
28 released on a conditional pre-trial supervision program;

29 (5) when appropriate, a plan, based upon the personal,
30 economic and social adjustment needs of the defendant,
31 utilizing public and private community resources as an
32 alternative to institutional sentencing;

33 (6) any other matters that the investigatory officer
34 deems relevant or the court directs to be included; and

35 (7) information concerning defendant's eligibility for

1 a sentence to a county impact incarceration program under
2 Section 5-8-1.2 of this Code.

3 (b) The investigation shall include a physical and mental
4 examination of the defendant when so ordered by the court. If
5 the court determines that such an examination should be made,
6 it shall issue an order that the defendant submit to
7 examination at such time and place as designated by the court
8 and that such examination be conducted by a physician,
9 psychologist or psychiatrist designated by the court. Such an
10 examination may be conducted in a court clinic if so ordered by
11 the court. The cost of such examination shall be paid by the
12 county in which the trial is held.

13 (b-5) In cases involving felony sex offenses in which the
14 offender is being considered for probation or any felony
15 offense that is sexually motivated as defined in the Sex
16 Offender Management Board Act in which the offender is being
17 considered for probation, the investigation shall include a sex
18 offender evaluation by an evaluator approved by the Board and
19 conducted in conformance with the standards developed under the
20 Sex Offender Management Board Act.

21 (c) In misdemeanor, business offense or petty offense
22 cases, except as specified in subsection (d) of this Section,
23 when a presentence report has been ordered by the court, such
24 presentence report shall contain information on the
25 defendant's history of delinquency or criminality and shall
26 further contain only those matters listed in any of paragraphs
27 (1) through (6) of subsection (a) or in subsection (b) of this
28 Section as are specified by the court in its order for the
29 report.

30 (d) In cases under Section 12-15 and Section 12-30 of the
31 Criminal Code of 1961, as amended, the presentence report shall
32 set forth information about alcohol, drug abuse, psychiatric,
33 and marriage counseling or other treatment programs and
34 facilities, information on the defendant's history of
35 delinquency or criminality, and shall contain those additional
36 matters listed in any of paragraphs (1) through (6) of

1 subsection (a) or in subsection (b) of this Section as are
2 specified by the court.

3 (e) Nothing in this Section shall cause the defendant to be
4 held without bail or to have his bail revoked for the purpose
5 of preparing the presentence report or making an examination.

6 (Source: P.A. 93-616, eff. 1-1-04.)

7 (730 ILCS 5/5-3-4) (from Ch. 38, par. 1005-3-4)

8 Sec. 5-3-4. Disclosure of Reports.

9 (a) Any report made pursuant to this Article or Section
10 5-705 of the Juvenile Court Act of 1987 shall be filed of
11 record with the court in a sealed envelope.

12 (b) Presentence reports shall be open for inspection only
13 as follows:

14 (1) to the sentencing court;

15 (2) to the state's attorney and the defendant's
16 attorney at least 3 days prior to the imposition of
17 sentence, unless such 3 day requirement is waived;

18 (3) to an appellate court in which the conviction or
19 sentence is subject to review;

20 (4) to any department, agency or institution to which
21 the defendant is committed;

22 (5) to any probation department of whom courtesy
23 probation is requested;

24 (6) to any probation department assigned by a court of
25 lawful jurisdiction to conduct a presentence report;

26 (7) to any other person only as ordered by the court;
27 and

28 (8) to any mental health professional on behalf of the
29 Illinois Department of Corrections or the Department of
30 Human Services or to a prosecutor who is evaluating or
31 investigating a potential or actual petition brought under
32 the Sexually Violent Persons Commitment Act relating to a
33 person who is the subject of a presentence report or the
34 respondent to a petition brought under the Sexually Violent
35 Persons Commitment Act who is the subject of the

1 presentence report sought. Any records and any information
2 obtained from those records under this paragraph (8) may be
3 used only in sexually violent persons commitment
4 proceedings.

5 (c) Presentence reports shall be filed of record with the
6 court within 60 ~~30~~ days of a verdict or finding of guilty for
7 any offense involving an illegal sexual act perpetrated upon a
8 victim, including but not limited to offenses for violations of
9 Article 12 of the Criminal Code of 1961, or any offense
10 determined by the court or the probation department to be
11 sexually motivated, as defined in the Sex Offender Management
12 Board Act.

13 (d) A complaint, information or indictment shall not be
14 quashed or dismissed nor shall any person in custody for an
15 offense be discharged from custody because of noncompliance
16 with subsection (c) of this Section.

17 (Source: P.A. 92-415, eff. 8-17-01.)

18 (730 ILCS 5/5-4-3.1) (from Ch. 38, par. 1005-4-3.1)

19 Sec. 5-4-3.1. Sentencing Hearing for Sex Offenses.

20 (a) Except for good cause shown by written motion, any
21 person adjudged guilty of any offense involving an illegal
22 sexual act perpetrated upon a victim, including but not limited
23 to offenses for violations of Article 12 of the Criminal Code
24 of 1961, or any offense determined by the court or the
25 probation department to be sexually motivated, as defined in
26 the Sex Offender Management Board Act, shall be sentenced
27 within 65 ~~45~~ days of a verdict or finding of guilt for the
28 offense.

29 (b) The court shall set the sentencing date at the time the
30 verdict or finding of guilt is entered by the court.

31 (c) Any motion for continuance shall be in writing and
32 supported by affidavit and in compliance with Section 114-4 of
33 the Code of Criminal Procedure of 1963, and the victim shall be
34 notified of the date and time of hearing and shall be provided
35 an opportunity to address the court on the impact the

1 continuance may have on the victim's well-being.

2 (d) A complaint, information or indictment shall not be
3 quashed or dismissed, nor shall any person in custody for an
4 offense be discharged from custody because of non-compliance
5 with this Section.

6 (Source: P.A. 87-900.)

7 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

8 (Text of Section from P.A. 93-475)

9 Sec. 5-6-3. Conditions of Probation and of Conditional
10 Discharge.

11 (a) The conditions of probation and of conditional
12 discharge shall be that the person:

13 (1) not violate any criminal statute of any
14 jurisdiction;

15 (2) report to or appear in person before such person or
16 agency as directed by the court;

17 (3) refrain from possessing a firearm or other
18 dangerous weapon;

19 (4) not leave the State without the consent of the
20 court or, in circumstances in which the reason for the
21 absence is of such an emergency nature that prior consent
22 by the court is not possible, without the prior
23 notification and approval of the person's probation
24 officer. Transfer of a person's probation or conditional
25 discharge supervision to another state is subject to
26 acceptance by the other state pursuant to the Interstate
27 Compact for Adult Offender Supervision;

28 (5) permit the probation officer to visit him at his
29 home or elsewhere to the extent necessary to discharge his
30 duties;

31 (6) perform no less than 30 hours of community service
32 and not more than 120 hours of community service, if
33 community service is available in the jurisdiction and is
34 funded and approved by the county board where the offense
35 was committed, where the offense was related to or in

1 furtherance of the criminal activities of an organized gang
2 and was motivated by the offender's membership in or
3 allegiance to an organized gang. The community service
4 shall include, but not be limited to, the cleanup and
5 repair of any damage caused by a violation of Section
6 21-1.3 of the Criminal Code of 1961 and similar damage to
7 property located within the municipality or county in which
8 the violation occurred. When possible and reasonable, the
9 community service should be performed in the offender's
10 neighborhood. For purposes of this Section, "organized
11 gang" has the meaning ascribed to it in Section 10 of the
12 Illinois Streetgang Terrorism Omnibus Prevention Act;

13 (7) if he or she is at least 17 years of age and has
14 been sentenced to probation or conditional discharge for a
15 misdemeanor or felony in a county of 3,000,000 or more
16 inhabitants and has not been previously convicted of a
17 misdemeanor or felony, may be required by the sentencing
18 court to attend educational courses designed to prepare the
19 defendant for a high school diploma and to work toward a
20 high school diploma or to work toward passing the high
21 school level Test of General Educational Development (GED)
22 or to work toward completing a vocational training program
23 approved by the court. The person on probation or
24 conditional discharge must attend a public institution of
25 education to obtain the educational or vocational training
26 required by this clause (7). The court shall revoke the
27 probation or conditional discharge of a person who wilfully
28 fails to comply with this clause (7). The person on
29 probation or conditional discharge shall be required to pay
30 for the cost of the educational courses or GED test, if a
31 fee is charged for those courses or test. The court shall
32 resentence the offender whose probation or conditional
33 discharge has been revoked as provided in Section 5-6-4.
34 This clause (7) does not apply to a person who has a high
35 school diploma or has successfully passed the GED test.
36 This clause (7) does not apply to a person who is

1 determined by the court to be developmentally disabled or
2 otherwise mentally incapable of completing the educational
3 or vocational program;

4 (8) if convicted of possession of a substance
5 prohibited by the Cannabis Control Act or Illinois
6 Controlled Substances Act after a previous conviction or
7 disposition of supervision for possession of a substance
8 prohibited by the Cannabis Control Act or Illinois
9 Controlled Substances Act or after a sentence of probation
10 under Section 10 of the Cannabis Control Act or Section 410
11 of the Illinois Controlled Substances Act and upon a
12 finding by the court that the person is addicted, undergo
13 treatment at a substance abuse program approved by the
14 court; ~~and~~

15 (8.5) if convicted of a felony sex offense as defined
16 in the Sex Offender Management Board Act, the person shall
17 undergo and successfully complete sex offender treatment
18 by a treatment provider approved by the Board and conducted
19 in conformance with the standards developed under the Sex
20 Offender Management Board Act; and

21 (9) if convicted of a felony, physically surrender at a
22 time and place designated by the court, his or her Firearm
23 Owner's Identification Card and any and all firearms in his
24 or her possession.

25 (b) The Court may in addition to other reasonable
26 conditions relating to the nature of the offense or the
27 rehabilitation of the defendant as determined for each
28 defendant in the proper discretion of the Court require that
29 the person:

30 (1) serve a term of periodic imprisonment under Article
31 7 for a period not to exceed that specified in paragraph
32 (d) of Section 5-7-1;

33 (2) pay a fine and costs;

34 (3) work or pursue a course of study or vocational
35 training;

36 (4) undergo medical, psychological or psychiatric

1 treatment; or treatment for drug addiction or alcoholism;

2 (5) attend or reside in a facility established for the
3 instruction or residence of defendants on probation;

4 (6) support his dependents;

5 (7) and in addition, if a minor:

6 (i) reside with his parents or in a foster home;

7 (ii) attend school;

8 (iii) attend a non-residential program for youth;

9 (iv) contribute to his own support at home or in a
10 foster home;

11 (v) with the consent of the superintendent of the
12 facility, attend an educational program at a facility
13 other than the school in which the offense was
14 committed if he or she is convicted of a crime of
15 violence as defined in Section 2 of the Crime Victims
16 Compensation Act committed in a school, on the real
17 property comprising a school, or within 1,000 feet of
18 the real property comprising a school;

19 (8) make restitution as provided in Section 5-5-6 of
20 this Code;

21 (9) perform some reasonable public or community
22 service;

23 (10) serve a term of home confinement. In addition to
24 any other applicable condition of probation or conditional
25 discharge, the conditions of home confinement shall be that
26 the offender:

27 (i) remain within the interior premises of the
28 place designated for his confinement during the hours
29 designated by the court;

30 (ii) admit any person or agent designated by the
31 court into the offender's place of confinement at any
32 time for purposes of verifying the offender's
33 compliance with the conditions of his confinement; and

34 (iii) if further deemed necessary by the court or
35 the Probation or Court Services Department, be placed
36 on an approved electronic monitoring device, subject

1 to Article 8A of Chapter V;

2 (iv) for persons convicted of any alcohol,
3 cannabis or controlled substance violation who are
4 placed on an approved monitoring device as a condition
5 of probation or conditional discharge, the court shall
6 impose a reasonable fee for each day of the use of the
7 device, as established by the county board in
8 subsection (g) of this Section, unless after
9 determining the inability of the offender to pay the
10 fee, the court assesses a lesser fee or no fee as the
11 case may be. This fee shall be imposed in addition to
12 the fees imposed under subsections (g) and (i) of this
13 Section. The fee shall be collected by the clerk of the
14 circuit court. The clerk of the circuit court shall pay
15 all monies collected from this fee to the county
16 treasurer for deposit in the substance abuse services
17 fund under Section 5-1086.1 of the Counties Code; and

18 (v) for persons convicted of offenses other than
19 those referenced in clause (iv) above and who are
20 placed on an approved monitoring device as a condition
21 of probation or conditional discharge, the court shall
22 impose a reasonable fee for each day of the use of the
23 device, as established by the county board in
24 subsection (g) of this Section, unless after
25 determining the inability of the defendant to pay the
26 fee, the court assesses a lesser fee or no fee as the
27 case may be. This fee shall be imposed in addition to
28 the fees imposed under subsections (g) and (i) of this
29 Section. The fee shall be collected by the clerk of the
30 circuit court. The clerk of the circuit court shall pay
31 all monies collected from this fee to the county
32 treasurer who shall use the monies collected to defray
33 the costs of corrections. The county treasurer shall
34 deposit the fee collected in the county working cash
35 fund under Section 6-27001 or Section 6-29002 of the
36 Counties Code, as the case may be.

1 (11) comply with the terms and conditions of an order
2 of protection issued by the court pursuant to the Illinois
3 Domestic Violence Act of 1986, as now or hereafter amended,
4 or an order of protection issued by the court of another
5 state, tribe, or United States territory. A copy of the
6 order of protection shall be transmitted to the probation
7 officer or agency having responsibility for the case;

8 (12) reimburse any "local anti-crime program" as
9 defined in Section 7 of the Anti-Crime Advisory Council Act
10 for any reasonable expenses incurred by the program on the
11 offender's case, not to exceed the maximum amount of the
12 fine authorized for the offense for which the defendant was
13 sentenced;

14 (13) contribute a reasonable sum of money, not to
15 exceed the maximum amount of the fine authorized for the
16 offense for which the defendant was sentenced, to a "local
17 anti-crime program", as defined in Section 7 of the
18 Anti-Crime Advisory Council Act;

19 (14) refrain from entering into a designated
20 geographic area except upon such terms as the court finds
21 appropriate. Such terms may include consideration of the
22 purpose of the entry, the time of day, other persons
23 accompanying the defendant, and advance approval by a
24 probation officer, if the defendant has been placed on
25 probation or advance approval by the court, if the
26 defendant was placed on conditional discharge;

27 (15) refrain from having any contact, directly or
28 indirectly, with certain specified persons or particular
29 types of persons, including but not limited to members of
30 street gangs and drug users or dealers;

31 (16) refrain from having in his or her body the
32 presence of any illicit drug prohibited by the Cannabis
33 Control Act or the Illinois Controlled Substances Act,
34 unless prescribed by a physician, and submit samples of his
35 or her blood or urine or both for tests to determine the
36 presence of any illicit drug.

1 (c) The court may as a condition of probation or of
2 conditional discharge require that a person under 18 years of
3 age found guilty of any alcohol, cannabis or controlled
4 substance violation, refrain from acquiring a driver's license
5 during the period of probation or conditional discharge. If
6 such person is in possession of a permit or license, the court
7 may require that the minor refrain from driving or operating
8 any motor vehicle during the period of probation or conditional
9 discharge, except as may be necessary in the course of the
10 minor's lawful employment.

11 (d) An offender sentenced to probation or to conditional
12 discharge shall be given a certificate setting forth the
13 conditions thereof.

14 (e) Except where the offender has committed a fourth or
15 subsequent violation of subsection (c) of Section 6-303 of the
16 Illinois Vehicle Code, the court shall not require as a
17 condition of the sentence of probation or conditional discharge
18 that the offender be committed to a period of imprisonment in
19 excess of 6 months. This 6 month limit shall not include
20 periods of confinement given pursuant to a sentence of county
21 impact incarceration under Section 5-8-1.2. This 6 month limit
22 does not apply to a person sentenced to probation as a result
23 of a conviction of a fourth or subsequent violation of
24 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code
25 or a similar provision of a local ordinance.

26 Persons committed to imprisonment as a condition of
27 probation or conditional discharge shall not be committed to
28 the Department of Corrections.

29 (f) The court may combine a sentence of periodic
30 imprisonment under Article 7 or a sentence to a county impact
31 incarceration program under Article 8 with a sentence of
32 probation or conditional discharge.

33 (g) An offender sentenced to probation or to conditional
34 discharge and who during the term of either undergoes mandatory
35 drug or alcohol testing, or both, or is assigned to be placed
36 on an approved electronic monitoring device, shall be ordered

1 to pay all costs incidental to such mandatory drug or alcohol
2 testing, or both, and all costs incidental to such approved
3 electronic monitoring in accordance with the defendant's
4 ability to pay those costs. The county board with the
5 concurrence of the Chief Judge of the judicial circuit in which
6 the county is located shall establish reasonable fees for the
7 cost of maintenance, testing, and incidental expenses related
8 to the mandatory drug or alcohol testing, or both, and all
9 costs incidental to approved electronic monitoring, involved
10 in a successful probation program for the county. The
11 concurrence of the Chief Judge shall be in the form of an
12 administrative order. The fees shall be collected by the clerk
13 of the circuit court. The clerk of the circuit court shall pay
14 all moneys collected from these fees to the county treasurer
15 who shall use the moneys collected to defray the costs of drug
16 testing, alcohol testing, and electronic monitoring. The
17 county treasurer shall deposit the fees collected in the county
18 working cash fund under Section 6-27001 or Section 6-29002 of
19 the Counties Code, as the case may be.

20 (h) Jurisdiction over an offender may be transferred from
21 the sentencing court to the court of another circuit with the
22 concurrence of both courts. Further transfers or retransfers of
23 jurisdiction are also authorized in the same manner. The court
24 to which jurisdiction has been transferred shall have the same
25 powers as the sentencing court.

26 (i) The court shall impose upon an offender sentenced to
27 probation after January 1, 1989 or to conditional discharge
28 after January 1, 1992 or to community service under the
29 supervision of a probation or court services department after
30 January 1, 2004, as a condition of such probation or
31 conditional discharge or supervised community service, a fee of
32 \$50 for each month of probation or conditional discharge
33 supervision or supervised community service ordered by the
34 court, unless after determining the inability of the person
35 sentenced to probation or conditional discharge or supervised
36 community service to pay the fee, the court assesses a lesser

1 fee. The court may not impose the fee on a minor who is made a
2 ward of the State under the Juvenile Court Act of 1987 while
3 the minor is in placement. The fee shall be imposed only upon
4 an offender who is actively supervised by the probation and
5 court services department. The fee shall be collected by the
6 clerk of the circuit court. The clerk of the circuit court
7 shall pay all monies collected from this fee to the county
8 treasurer for deposit in the probation and court services fund
9 under Section 15.1 of the Probation and Probation Officers Act.

10 A circuit court may not impose a probation fee under this
11 subsection (i) in excess of \$25 per month unless: (1) the
12 circuit court has adopted, by administrative order issued by
13 the chief judge, a standard probation fee guide determining an
14 offender's ability to pay, under guidelines developed by the
15 Administrative Office of the Illinois Courts; and (2) the
16 circuit court has authorized, by administrative order issued by
17 the chief judge, the creation of a Crime Victim's Services
18 Fund, to be administered by the Chief Judge or his or her
19 designee, for services to crime victims and their families. Of
20 the amount collected as a probation fee, up to ~~not to exceed~~ \$5
21 of that fee collected per month may be used to provide services
22 to crime victims and their families.

23 This amendatory Act of the 93rd General Assembly deletes
24 the \$10 increase in the fee under this subsection that was
25 imposed by Public Act 93-616. This deletion is intended to
26 control over any other Act of the 93rd General Assembly that
27 retains or incorporates that fee increase.

28 (i-5) In addition to the fees imposed under subsection (i)
29 of this Section, in the case of an offender convicted of a
30 felony sex offense (as defined in the Sex Offender Management
31 Board Act) or an offense that the court or probation department
32 has determined to be sexually motivated (as defined in the Sex
33 Offender Management Board Act), the court or the probation
34 department shall assess additional fees to pay for all costs of
35 treatment, assessment, evaluation for risk and treatment, and
36 monitoring the offender, based on that offender's ability to

1 pay those costs either as they occur or under a payment plan.

2 (j) All fines and costs imposed under this Section for any
3 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
4 Code, or a similar provision of a local ordinance, and any
5 violation of the Child Passenger Protection Act, or a similar
6 provision of a local ordinance, shall be collected and
7 disbursed by the circuit clerk as provided under Section 27.5
8 of the Clerks of Courts Act.

9 (k) Any offender who is sentenced to probation or
10 conditional discharge for a felony sex offense as defined in
11 the Sex Offender Management Board Act or any offense that the
12 court or probation department has determined to be sexually
13 motivated as defined in the Sex Offender Management Board Act
14 shall be required to refrain from any contact, directly or
15 indirectly, with any persons specified by the court and shall
16 be available for all evaluations and treatment programs
17 required by the court or the probation department.

18 (Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01;
19 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff.
20 6-26-02; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03.)

21 (Text of Section from P.A. 93-616)

22 Sec. 5-6-3. Conditions of Probation and of Conditional
23 Discharge.

24 (a) The conditions of probation and of conditional
25 discharge shall be that the person:

26 (1) not violate any criminal statute of any
27 jurisdiction;

28 (2) report to or appear in person before such person or
29 agency as directed by the court;

30 (3) refrain from possessing a firearm or other
31 dangerous weapon;

32 (4) not leave the State without the consent of the
33 court or, in circumstances in which the reason for the
34 absence is of such an emergency nature that prior consent
35 by the court is not possible, without the prior

1 notification and approval of the person's probation
2 officer. Transfer of a person's probation or conditional
3 discharge supervision to another state is subject to
4 acceptance by the other state pursuant to the Interstate
5 Compact for Adult Offender Supervision;

6 (5) permit the probation officer to visit him at his
7 home or elsewhere to the extent necessary to discharge his
8 duties;

9 (6) perform no less than 30 hours of community service
10 and not more than 120 hours of community service, if
11 community service is available in the jurisdiction and is
12 funded and approved by the county board where the offense
13 was committed, where the offense was related to or in
14 furtherance of the criminal activities of an organized gang
15 and was motivated by the offender's membership in or
16 allegiance to an organized gang. The community service
17 shall include, but not be limited to, the cleanup and
18 repair of any damage caused by a violation of Section
19 21-1.3 of the Criminal Code of 1961 and similar damage to
20 property located within the municipality or county in which
21 the violation occurred. When possible and reasonable, the
22 community service should be performed in the offender's
23 neighborhood. For purposes of this Section, "organized
24 gang" has the meaning ascribed to it in Section 10 of the
25 Illinois Streetgang Terrorism Omnibus Prevention Act;

26 (7) if he or she is at least 17 years of age and has
27 been sentenced to probation or conditional discharge for a
28 misdemeanor or felony in a county of 3,000,000 or more
29 inhabitants and has not been previously convicted of a
30 misdemeanor or felony, may be required by the sentencing
31 court to attend educational courses designed to prepare the
32 defendant for a high school diploma and to work toward a
33 high school diploma or to work toward passing the high
34 school level Test of General Educational Development (GED)
35 or to work toward completing a vocational training program
36 approved by the court. The person on probation or

1 conditional discharge must attend a public institution of
2 education to obtain the educational or vocational training
3 required by this clause (7). The court shall revoke the
4 probation or conditional discharge of a person who wilfully
5 fails to comply with this clause (7). The person on
6 probation or conditional discharge shall be required to pay
7 for the cost of the educational courses or GED test, if a
8 fee is charged for those courses or test. The court shall
9 resentence the offender whose probation or conditional
10 discharge has been revoked as provided in Section 5-6-4.
11 This clause (7) does not apply to a person who has a high
12 school diploma or has successfully passed the GED test.
13 This clause (7) does not apply to a person who is
14 determined by the court to be developmentally disabled or
15 otherwise mentally incapable of completing the educational
16 or vocational program;

17 (8) if convicted of possession of a substance
18 prohibited by the Cannabis Control Act or Illinois
19 Controlled Substances Act after a previous conviction or
20 disposition of supervision for possession of a substance
21 prohibited by the Cannabis Control Act or Illinois
22 Controlled Substances Act or after a sentence of probation
23 under Section 10 of the Cannabis Control Act or Section 410
24 of the Illinois Controlled Substances Act and upon a
25 finding by the court that the person is addicted, undergo
26 treatment at a substance abuse program approved by the
27 court;

28 (8.5) if convicted of a felony sex offense as defined
29 in the Sex Offender Management Board Act, the person shall
30 undergo and successfully complete sex offender treatment
31 by a treatment provider approved by the Board and conducted
32 in conformance with the standards developed under the Sex
33 Offender Management Board Act; and

34 (9) if convicted of a felony, physically surrender at a
35 time and place designated by the court, his or her Firearm
36 Owner's Identification Card and any and all firearms in his

1 or her possession.

2 (b) The Court may in addition to other reasonable
3 conditions relating to the nature of the offense or the
4 rehabilitation of the defendant as determined for each
5 defendant in the proper discretion of the Court require that
6 the person:

7 (1) serve a term of periodic imprisonment under Article
8 7 for a period not to exceed that specified in paragraph
9 (d) of Section 5-7-1;

10 (2) pay a fine and costs;

11 (3) work or pursue a course of study or vocational
12 training;

13 (4) undergo medical, psychological or psychiatric
14 treatment; or treatment for drug addiction or alcoholism;

15 (5) attend or reside in a facility established for the
16 instruction or residence of defendants on probation;

17 (6) support his dependents;

18 (7) and in addition, if a minor:

19 (i) reside with his parents or in a foster home;

20 (ii) attend school;

21 (iii) attend a non-residential program for youth;

22 (iv) contribute to his own support at home or in a
23 foster home;

24 (v) with the consent of the superintendent of the
25 facility, attend an educational program at a facility
26 other than the school in which the offense was
27 committed if he or she is convicted of a crime of
28 violence as defined in Section 2 of the Crime Victims
29 Compensation Act committed in a school, on the real
30 property comprising a school, or within 1,000 feet of
31 the real property comprising a school;

32 (8) make restitution as provided in Section 5-5-6 of
33 this Code;

34 (9) perform some reasonable public or community
35 service;

36 (10) serve a term of home confinement. In addition to

1 any other applicable condition of probation or conditional
2 discharge, the conditions of home confinement shall be that
3 the offender:

4 (i) remain within the interior premises of the
5 place designated for his confinement during the hours
6 designated by the court;

7 (ii) admit any person or agent designated by the
8 court into the offender's place of confinement at any
9 time for purposes of verifying the offender's
10 compliance with the conditions of his confinement; and

11 (iii) if further deemed necessary by the court or
12 the Probation or Court Services Department, be placed
13 on an approved electronic monitoring device, subject
14 to Article 8A of Chapter V;

15 (iv) for persons convicted of any alcohol,
16 cannabis or controlled substance violation who are
17 placed on an approved monitoring device as a condition
18 of probation or conditional discharge, the court shall
19 impose a reasonable fee for each day of the use of the
20 device, as established by the county board in
21 subsection (g) of this Section, unless after
22 determining the inability of the offender to pay the
23 fee, the court assesses a lesser fee or no fee as the
24 case may be. This fee shall be imposed in addition to
25 the fees imposed under subsections (g) and (i) of this
26 Section. The fee shall be collected by the clerk of the
27 circuit court. The clerk of the circuit court shall pay
28 all monies collected from this fee to the county
29 treasurer for deposit in the substance abuse services
30 fund under Section 5-1086.1 of the Counties Code; and

31 (v) for persons convicted of offenses other than
32 those referenced in clause (iv) above and who are
33 placed on an approved monitoring device as a condition
34 of probation or conditional discharge, the court shall
35 impose a reasonable fee for each day of the use of the
36 device, as established by the county board in

1 subsection (g) of this Section, unless after
2 determining the inability of the defendant to pay the
3 fee, the court assesses a lesser fee or no fee as the
4 case may be. This fee shall be imposed in addition to
5 the fees imposed under subsections (g) and (i) of this
6 Section. The fee shall be collected by the clerk of the
7 circuit court. The clerk of the circuit court shall pay
8 all monies collected from this fee to the county
9 treasurer who shall use the monies collected to defray
10 the costs of corrections. The county treasurer shall
11 deposit the fee collected in the county working cash
12 fund under Section 6-27001 or Section 6-29002 of the
13 Counties Code, as the case may be.

14 (11) comply with the terms and conditions of an order
15 of protection issued by the court pursuant to the Illinois
16 Domestic Violence Act of 1986, as now or hereafter amended,
17 or an order of protection issued by the court of another
18 state, tribe, or United States territory. A copy of the
19 order of protection shall be transmitted to the probation
20 officer or agency having responsibility for the case;

21 (12) reimburse any "local anti-crime program" as
22 defined in Section 7 of the Anti-Crime Advisory Council Act
23 for any reasonable expenses incurred by the program on the
24 offender's case, not to exceed the maximum amount of the
25 fine authorized for the offense for which the defendant was
26 sentenced;

27 (13) contribute a reasonable sum of money, not to
28 exceed the maximum amount of the fine authorized for the
29 offense for which the defendant was sentenced, to a "local
30 anti-crime program", as defined in Section 7 of the
31 Anti-Crime Advisory Council Act;

32 (14) refrain from entering into a designated
33 geographic area except upon such terms as the court finds
34 appropriate. Such terms may include consideration of the
35 purpose of the entry, the time of day, other persons
36 accompanying the defendant, and advance approval by a

1 probation officer, if the defendant has been placed on
2 probation or advance approval by the court, if the
3 defendant was placed on conditional discharge;

4 (15) refrain from having any contact, directly or
5 indirectly, with certain specified persons or particular
6 types of persons, including but not limited to members of
7 street gangs and drug users or dealers;

8 (16) refrain from having in his or her body the
9 presence of any illicit drug prohibited by the Cannabis
10 Control Act or the Illinois Controlled Substances Act,
11 unless prescribed by a physician, and submit samples of his
12 or her blood or urine or both for tests to determine the
13 presence of any illicit drug.

14 (c) The court may as a condition of probation or of
15 conditional discharge require that a person under 18 years of
16 age found guilty of any alcohol, cannabis or controlled
17 substance violation, refrain from acquiring a driver's license
18 during the period of probation or conditional discharge. If
19 such person is in possession of a permit or license, the court
20 may require that the minor refrain from driving or operating
21 any motor vehicle during the period of probation or conditional
22 discharge, except as may be necessary in the course of the
23 minor's lawful employment.

24 (d) An offender sentenced to probation or to conditional
25 discharge shall be given a certificate setting forth the
26 conditions thereof.

27 (e) Except where the offender has committed a fourth or
28 subsequent violation of subsection (c) of Section 6-303 of the
29 Illinois Vehicle Code, the court shall not require as a
30 condition of the sentence of probation or conditional discharge
31 that the offender be committed to a period of imprisonment in
32 excess of 6 months. This 6 month limit shall not include
33 periods of confinement given pursuant to a sentence of county
34 impact incarceration under Section 5-8-1.2. This 6 month limit
35 does not apply to a person sentenced to probation as a result
36 of a conviction of a fourth or subsequent violation of

1 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code
2 or a similar provision of a local ordinance.

3 Persons committed to imprisonment as a condition of
4 probation or conditional discharge shall not be committed to
5 the Department of Corrections.

6 (f) The court may combine a sentence of periodic
7 imprisonment under Article 7 or a sentence to a county impact
8 incarceration program under Article 8 with a sentence of
9 probation or conditional discharge.

10 (g) An offender sentenced to probation or to conditional
11 discharge and who during the term of either undergoes mandatory
12 drug or alcohol testing, or both, or is assigned to be placed
13 on an approved electronic monitoring device, shall be ordered
14 to pay all costs incidental to such mandatory drug or alcohol
15 testing, or both, and all costs incidental to such approved
16 electronic monitoring in accordance with the defendant's
17 ability to pay those costs. The county board with the
18 concurrence of the Chief Judge of the judicial circuit in which
19 the county is located shall establish reasonable fees for the
20 cost of maintenance, testing, and incidental expenses related
21 to the mandatory drug or alcohol testing, or both, and all
22 costs incidental to approved electronic monitoring, involved
23 in a successful probation program for the county. The
24 concurrence of the Chief Judge shall be in the form of an
25 administrative order. The fees shall be collected by the clerk
26 of the circuit court. The clerk of the circuit court shall pay
27 all moneys collected from these fees to the county treasurer
28 who shall use the moneys collected to defray the costs of drug
29 testing, alcohol testing, and electronic monitoring. The
30 county treasurer shall deposit the fees collected in the county
31 working cash fund under Section 6-27001 or Section 6-29002 of
32 the Counties Code, as the case may be.

33 (h) Jurisdiction over an offender may be transferred from
34 the sentencing court to the court of another circuit with the
35 concurrence of both courts. Further transfers or retransfers of
36 jurisdiction are also authorized in the same manner. The court

1 to which jurisdiction has been transferred shall have the same
2 powers as the sentencing court.

3 (i) The court shall impose upon an offender sentenced to
4 probation after January 1, 1989 or to conditional discharge
5 after January 1, 1992 or to community service under the
6 supervision of a probation or court services department after
7 January 1, 2004, as a condition of such probation or
8 conditional discharge or supervised community service, a fee of
9 \$50 ~~\$35~~ for each month of probation or conditional discharge
10 supervision or supervised community service ordered by the
11 court, unless after determining the inability of the person
12 sentenced to probation or conditional discharge or supervised
13 community service to pay the fee, the court assesses a lesser
14 fee. The court may not impose the fee on a minor who is made a
15 ward of the State under the Juvenile Court Act of 1987 while
16 the minor is in placement. The fee shall be imposed only upon
17 an offender who is actively supervised by the probation and
18 court services department. The fee shall be collected by the
19 clerk of the circuit court. The clerk of the circuit court
20 shall pay all monies ~~deposit the first \$25~~ collected from this
21 fee to the county treasurer for deposit in the probation and
22 court services fund under Section 15.1 of the Probation and
23 Probation Officers Act.

24 A circuit court may not impose a probation fee under this
25 subsection (i) in excess of \$25 per month unless: (1) the
26 circuit court has adopted, by administrative order issued by
27 the chief judge, a standard probation fee guide determining an
28 offender's ability to pay, under guidelines developed by the
29 Administrative Office of the Illinois Courts; and (2) the
30 circuit court has authorized, by administrative order issued by
31 the chief judge, the creation of a Crime Victim's Services
32 Fund, to be administered by the Chief Judge or his or her
33 designee, for services to crime victims and their families. Of
34 the amount collected as a probation fee, up to \$5 of that fee
35 collected per month may be used to provide services to crime
36 victims and their families.

1 This amendatory Act of the 93rd General Assembly deletes
2 the \$10 increase in the fee under this subsection that was
3 imposed by Public Act 93-616. This deletion is intended to
4 control over any other Act of the 93rd General Assembly that
5 retains or incorporates that fee increase. The clerk of the
6 court shall deposit \$10 collected from this fee into the Sex
7 Offender Management Board Fund under Section 19 of the Sex
8 Offender Management Board Act. Money deposited into the Sex
9 Offender Management Board Fund shall be administered by the Sex
10 Offender Management Board and be used to fund practices
11 endorsed or required under the Sex Offender Management Board
12 Act, including but not limited to sex offender evaluation,
13 treatment, and monitoring programs that are or may be developed
14 by the agency providing supervision, the Department of
15 Corrections or the Department of Human Services. This Fund
16 shall also be used for administrative costs, including staff,
17 incurred by the Board.

18 (i-5) In addition to the fees imposed under subsection (i)
19 of this Section, in the case of an offender convicted of a
20 felony sex offense (as defined in the Sex Offender Management
21 Board Act) or an offense that the court or probation department
22 has determined to be sexually motivated (as defined in the Sex
23 Offender Management Board Act), the court or the probation
24 department shall assess additional fees to pay for all costs of
25 treatment, assessment, evaluation for risk and treatment, and
26 monitoring the offender, based on that offender's ability to
27 pay those costs either as they occur or under a payment plan.

28 (j) All fines and costs imposed under this Section for any
29 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
30 Code, or a similar provision of a local ordinance, and any
31 violation of the Child Passenger Protection Act, or a similar
32 provision of a local ordinance, shall be collected and
33 disbursed by the circuit clerk as provided under Section 27.5
34 of the Clerks of Courts Act.

35 (k) Any offender who is sentenced to probation or
36 conditional discharge for a felony sex offense as defined in

1 the Sex Offender Management Board Act or any offense that the
2 court or probation department has determined to be sexually
3 motivated as defined in the Sex Offender Management Board Act
4 shall be required to refrain from any contact, directly or
5 indirectly, with any persons specified by the court and shall
6 be available for all evaluations and treatment programs
7 required by the court or the probation department.

8 (Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01;
9 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff.
10 6-26-02; 92-651, eff. 7-11-02; 93-616, eff. 1-1-04.)

11 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

12 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

13 (a) When a defendant is placed on supervision, the court
14 shall enter an order for supervision specifying the period of
15 such supervision, and shall defer further proceedings in the
16 case until the conclusion of the period.

17 (b) The period of supervision shall be reasonable under all
18 of the circumstances of the case, but may not be longer than 2
19 years, unless the defendant has failed to pay the assessment
20 required by Section 10.3 of the Cannabis Control Act or Section
21 411.2 of the Illinois Controlled Substances Act, in which case
22 the court may extend supervision beyond 2 years. Additionally,
23 the court shall order the defendant to perform no less than 30
24 hours of community service and not more than 120 hours of
25 community service, if community service is available in the
26 jurisdiction and is funded and approved by the county board
27 where the offense was committed, when the offense (1) was
28 related to or in furtherance of the criminal activities of an
29 organized gang or was motivated by the defendant's membership
30 in or allegiance to an organized gang; or (2) is a violation of
31 any Section of Article 24 of the Criminal Code of 1961 where a
32 disposition of supervision is not prohibited by Section 5-6-1
33 of this Code. The community service shall include, but not be
34 limited to, the cleanup and repair of any damage caused by
35 violation of Section 21-1.3 of the Criminal Code of 1961 and

1 similar damages to property located within the municipality or
2 county in which the violation occurred. Where possible and
3 reasonable, the community service should be performed in the
4 offender's neighborhood.

5 For the purposes of this Section, "organized gang" has the
6 meaning ascribed to it in Section 10 of the Illinois Streetgang
7 Terrorism Omnibus Prevention Act.

8 (c) The court may in addition to other reasonable
9 conditions relating to the nature of the offense or the
10 rehabilitation of the defendant as determined for each
11 defendant in the proper discretion of the court require that
12 the person:

13 (1) make a report to and appear in person before or
14 participate with the court or such courts, person, or
15 social service agency as directed by the court in the order
16 of supervision;

17 (2) pay a fine and costs;

18 (3) work or pursue a course of study or vocational
19 training;

20 (4) undergo medical, psychological or psychiatric
21 treatment; or treatment for drug addiction or alcoholism;

22 (5) attend or reside in a facility established for the
23 instruction or residence of defendants on probation;

24 (6) support his dependents;

25 (7) refrain from possessing a firearm or other
26 dangerous weapon;

27 (8) and in addition, if a minor:

28 (i) reside with his parents or in a foster home;

29 (ii) attend school;

30 (iii) attend a non-residential program for youth;

31 (iv) contribute to his own support at home or in a
32 foster home; or

33 (v) with the consent of the superintendent of the
34 facility, attend an educational program at a facility
35 other than the school in which the offense was
36 committed if he or she is placed on supervision for a

1 crime of violence as defined in Section 2 of the Crime
2 Victims Compensation Act committed in a school, on the
3 real property comprising a school, or within 1,000 feet
4 of the real property comprising a school;

5 (9) make restitution or reparation in an amount not to
6 exceed actual loss or damage to property and pecuniary loss
7 or make restitution under Section 5-5-6 to a domestic
8 violence shelter. The court shall determine the amount and
9 conditions of payment;

10 (10) perform some reasonable public or community
11 service;

12 (11) comply with the terms and conditions of an order
13 of protection issued by the court pursuant to the Illinois
14 Domestic Violence Act of 1986 or an order of protection
15 issued by the court of another state, tribe, or United
16 States territory. If the court has ordered the defendant to
17 make a report and appear in person under paragraph (1) of
18 this subsection, a copy of the order of protection shall be
19 transmitted to the person or agency so designated by the
20 court;

21 (12) reimburse any "local anti-crime program" as
22 defined in Section 7 of the Anti-Crime Advisory Council Act
23 for any reasonable expenses incurred by the program on the
24 offender's case, not to exceed the maximum amount of the
25 fine authorized for the offense for which the defendant was
26 sentenced;

27 (13) contribute a reasonable sum of money, not to
28 exceed the maximum amount of the fine authorized for the
29 offense for which the defendant was sentenced, to a "local
30 anti-crime program", as defined in Section 7 of the
31 Anti-Crime Advisory Council Act;

32 (14) refrain from entering into a designated
33 geographic area except upon such terms as the court finds
34 appropriate. Such terms may include consideration of the
35 purpose of the entry, the time of day, other persons
36 accompanying the defendant, and advance approval by a

1 probation officer;

2 (15) refrain from having any contact, directly or
3 indirectly, with certain specified persons or particular
4 types of person, including but not limited to members of
5 street gangs and drug users or dealers;

6 (16) refrain from having in his or her body the
7 presence of any illicit drug prohibited by the Cannabis
8 Control Act or the Illinois Controlled Substances Act,
9 unless prescribed by a physician, and submit samples of his
10 or her blood or urine or both for tests to determine the
11 presence of any illicit drug;

12 (17) refrain from operating any motor vehicle not
13 equipped with an ignition interlock device as defined in
14 Section 1-129.1 of the Illinois Vehicle Code. Under this
15 condition the court may allow a defendant who is not
16 self-employed to operate a vehicle owned by the defendant's
17 employer that is not equipped with an ignition interlock
18 device in the course and scope of the defendant's
19 employment.

20 (d) The court shall defer entering any judgment on the
21 charges until the conclusion of the supervision.

22 (e) At the conclusion of the period of supervision, if the
23 court determines that the defendant has successfully complied
24 with all of the conditions of supervision, the court shall
25 discharge the defendant and enter a judgment dismissing the
26 charges.

27 (f) Discharge and dismissal upon a successful conclusion of
28 a disposition of supervision shall be deemed without
29 adjudication of guilt and shall not be termed a conviction for
30 purposes of disqualification or disabilities imposed by law
31 upon conviction of a crime. Two years after the discharge and
32 dismissal under this Section, unless the disposition of
33 supervision was for a violation of Sections 3-707, 3-708,
34 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
35 similar provision of a local ordinance, or for a violation of
36 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which

1 case it shall be 5 years after discharge and dismissal, a
2 person may have his record of arrest sealed or expunged as may
3 be provided by law. However, any defendant placed on
4 supervision before January 1, 1980, may move for sealing or
5 expungement of his arrest record, as provided by law, at any
6 time after discharge and dismissal under this Section. A person
7 placed on supervision for a sexual offense committed against a
8 minor as defined in subsection (g) of Section 5 of the Criminal
9 Identification Act or for a violation of Section 11-501 of the
10 Illinois Vehicle Code or a similar provision of a local
11 ordinance shall not have his or her record of arrest sealed or
12 expunged.

13 (g) A defendant placed on supervision and who during the
14 period of supervision undergoes mandatory drug or alcohol
15 testing, or both, or is assigned to be placed on an approved
16 electronic monitoring device, shall be ordered to pay the costs
17 incidental to such mandatory drug or alcohol testing, or both,
18 and costs incidental to such approved electronic monitoring in
19 accordance with the defendant's ability to pay those costs. The
20 county board with the concurrence of the Chief Judge of the
21 judicial circuit in which the county is located shall establish
22 reasonable fees for the cost of maintenance, testing, and
23 incidental expenses related to the mandatory drug or alcohol
24 testing, or both, and all costs incidental to approved
25 electronic monitoring, of all defendants placed on
26 supervision. The concurrence of the Chief Judge shall be in the
27 form of an administrative order. The fees shall be collected by
28 the clerk of the circuit court. The clerk of the circuit court
29 shall pay all moneys collected from these fees to the county
30 treasurer who shall use the moneys collected to defray the
31 costs of drug testing, alcohol testing, and electronic
32 monitoring. The county treasurer shall deposit the fees
33 collected in the county working cash fund under Section 6-27001
34 or Section 6-29002 of the Counties Code, as the case may be.

35 (h) A disposition of supervision is a final order for the
36 purposes of appeal.

1 (i) The court shall impose upon a defendant placed on
2 supervision after January 1, 1992 or to community service under
3 the supervision of a probation or court services department
4 after January 1, 2004, as a condition of supervision or
5 supervised community service, a fee of \$50 for each month of
6 supervision or supervised community service ordered by the
7 court, unless after determining the inability of the person
8 placed on supervision or supervised community service to pay
9 the fee, the court assesses a lesser fee. The court may not
10 impose the fee on a minor who is made a ward of the State under
11 the Juvenile Court Act of 1987 while the minor is in placement.
12 The fee shall be imposed only upon a defendant who is actively
13 supervised by the probation and court services department. The
14 fee shall be collected by the clerk of the circuit court. The
15 clerk of the circuit court shall pay all monies collected from
16 this fee to the county treasurer for deposit in the probation
17 and court services fund pursuant to Section 15.1 of the
18 Probation and Probation Officers Act.

19 A circuit court may not impose a probation fee in excess of
20 \$25 per month unless: (1) the circuit court has adopted, by
21 administrative order issued by the chief judge, a standard
22 probation fee guide determining an offender's ability to pay,
23 under guidelines developed by the Administrative Office of the
24 Illinois Courts; and (2) the circuit court has authorized, by
25 administrative order issued by the chief judge, the creation of
26 a Crime Victim's Services Fund, to be administered by the Chief
27 Judge or his or her designee, for services to crime victims and
28 their families. Of the amount collected as a probation fee, not
29 to exceed \$5 of that fee collected per month may be used to
30 provide services to crime victims and their families.

31 (j) All fines and costs imposed under this Section for any
32 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
33 Code, or a similar provision of a local ordinance, and any
34 violation of the Child Passenger Protection Act, or a similar
35 provision of a local ordinance, shall be collected and
36 disbursed by the circuit clerk as provided under Section 27.5

1 of the Clerks of Courts Act.

2 (k) A defendant at least 17 years of age who is placed on
3 supervision for a misdemeanor in a county of 3,000,000 or more
4 inhabitants and who has not been previously convicted of a
5 misdemeanor or felony may as a condition of his or her
6 supervision be required by the court to attend educational
7 courses designed to prepare the defendant for a high school
8 diploma and to work toward a high school diploma or to work
9 toward passing the high school level Test of General
10 Educational Development (GED) or to work toward completing a
11 vocational training program approved by the court. The
12 defendant placed on supervision must attend a public
13 institution of education to obtain the educational or
14 vocational training required by this subsection (k). The
15 defendant placed on supervision shall be required to pay for
16 the cost of the educational courses or GED test, if a fee is
17 charged for those courses or test. The court shall revoke the
18 supervision of a person who wilfully fails to comply with this
19 subsection (k). The court shall resentence the defendant upon
20 revocation of supervision as provided in Section 5-6-4. This
21 subsection (k) does not apply to a defendant who has a high
22 school diploma or has successfully passed the GED test. This
23 subsection (k) does not apply to a defendant who is determined
24 by the court to be developmentally disabled or otherwise
25 mentally incapable of completing the educational or vocational
26 program.

27 (l) The court shall require a defendant placed on
28 supervision for possession of a substance prohibited by the
29 Cannabis Control Act or Illinois Controlled Substances Act
30 after a previous conviction or disposition of supervision for
31 possession of a substance prohibited by the Cannabis Control
32 Act or Illinois Controlled Substances Act or a sentence of
33 probation under Section 10 of the Cannabis Control Act or
34 Section 410 of the Illinois Controlled Substances Act and after
35 a finding by the court that the person is addicted, to undergo
36 treatment at a substance abuse program approved by the court.

1 (m) The Secretary of State shall require anyone placed on
2 court supervision for a violation of Section 3-707 of the
3 Illinois Vehicle Code or a similar provision of a local
4 ordinance to give proof of his or her financial responsibility
5 as defined in Section 7-315 of the Illinois Vehicle Code. The
6 proof shall be maintained by the individual in a manner
7 satisfactory to the Secretary of State for a minimum period of
8 one year after the date the proof is first filed. The proof
9 shall be limited to a single action per arrest and may not be
10 affected by any post-sentence disposition. The Secretary of
11 State shall suspend the driver's license of any person
12 determined by the Secretary to be in violation of this
13 subsection.

14 (n) Any offender placed on supervision for any offense that
15 the court or probation department has determined to be sexually
16 motivated as defined in the Sex Offender Management Board Act
17 shall be required to refrain from any contact, directly or
18 indirectly, with any persons specified by the court and shall
19 be available for all evaluations and treatment programs
20 required by the court or the probation department.

21 (Source: P.A. 92-282, eff. 8-7-01; 92-458, eff. 8-22-01;
22 92-651, eff. 7-11-02; 93-475, eff. 8-8-03.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.